

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

JESSICA J.,

Petitioner,

v.

THE SUPERIOR COURT OF KERN  
COUNTY,

Respondent;

KERN COUNTY DEPARTMENT OF  
HUMAN SERVICES,

Real Party in Interest.

F064926

(Super. Ct. Nos. JD126583-00 &  
JD126584-00)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Louie L. Vega, Judge.

Jessica J., in pro. per., for Petitioner.

No appearance for Respondent.

Theresa A. Goldner, County Counsel, and Paul E. Blackhurst, Deputy County Counsel, for Real Party in Interest.

-ooOoo-

---

\* Before Wiseman, Acting P.J., Cornell, J., and Poochigian, J.



Jessica J. in propria persona seeks an extraordinary writ (Cal. Rules of Court, rule 8.452) from the juvenile court's order setting a Welfare and Institutions Code section 366.26 hearing<sup>1</sup> as to her three-year-old daughter D.J.<sup>2</sup> and 23-month-old son O.J. We conclude her petition fails to comport with the procedural requirements of California Rules of Court, rule 8.452 and dismiss the petition as facially inadequate.

### **FACTUAL AND PROCEDURAL SUMMARY**

In May 2011, then nine-month-old O.J. and two-year-old D.J. were taken into protective custody after O.J. nearly drowned in the bathtub where he and D.J. were left unattended by their maternal aunt (aunt). Jessica had left the children in the care of their aunt who she knew was a drug user. While under the influence of methamphetamine, the aunt left the children alone in the bathtub with the water running and the drain plugged.

In August 2011, the juvenile court exercised its dependency jurisdiction, ordered the children removed from Jessica and their father, and accepted Jessica and the father's waiver of reunification services. The court also found that the children's best interests were served by placing them in guardianship with their paternal grandmother (hereafter "the guardian").

In February 2012, the guardian filed a section 388 petition asking the juvenile court to set a section 366.26 hearing to consider a permanent plan of adoption. The guardian stated in her petition that Jessica and the children's father had not modified their lifestyles so as to regain custody of the children. She also stated that she had grown close to the children and wanted to adopt them.

---

<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

<sup>2</sup> Jessica's children will be referred to by their first and last initials because at least one of them has a unique name. (Cal. Rules of Court, rule 8.401(a)(2).)



In May 2012, the juvenile court conducted a hearing on the section 388 petition. Jessica appeared in custody and objected to the setting of a section 366.26 hearing. The juvenile court set a section 366.26 hearing and advised Jessica of her right to file a writ petition. This petition ensued.<sup>3</sup>

### **DISCUSSION**

Jessica advises this court that she does not want to lose custody of her children and that she wants to complete a program which she does not identify. Jessica does not, however, explain how the juvenile court erred in setting a section 366.26 hearing.

California Rules of Court, rules 8.450-8.452 govern the procedures for initiating dependency writ proceedings in this court. The purpose of writ proceedings is to facilitate review of the juvenile court's order setting the section 366.26 hearing. (Cal. Rules of Court, rule 8.450(b).) In the absence of a claim of error, this court will not independently review the appellate record for possible errors. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) Consequently, since Jessica does not raise juvenile court error, we will dismiss the petition as facially inadequate for review.

### **DISPOSITION**

The petition for extraordinary writ is dismissed. This opinion is final as to this court.

---

<sup>3</sup> The father did not file a writ petition.